IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 27TH JULY 2006 / 5TH SRAVANA 1928

Bail Appl..No. 4493 of 2006

(CRIME NO.245/2006 OF PATHANAPURAM POLICE STATION)

PETITIONERS/ACCUSED 1 TO 4:

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1. JOHNY, AGED 65 YEARS,
   S/O. ETTICHANDY, CHARUVILA PUTHEN VEEDU,
   POOMKULATHIL WARD, PATHANAPURAM VILLAGE.

2. KUNJUMON, AGED 61 YEARS,
   S/O. ETTICHANDY, KANJIRAMVILA VEEDU,
   POOMKULATHI WARD, PATHANAPURAM VILLAGE.

3. ALICE, AGED 58 YEARS,
   W/O. KUNJUMON, KANJIRAMVILA VEEDU,
   POOMKULATHI WARD, PATHANAPURAM VILLAGE.

4. KUNJUMOL, AGED 56 YEARS,
   W/O. JOHNY, CHARUVILA PUTHEN VEEDU,
   POOMKULATHI WARD, PATHANAPURAM VILLAGE.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: COMPLAINANT/STATE:

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1. STATE OF KERALA,
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALAL, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   PATHANAPURAM POLICE STATION.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4493/2006

DATED THIS THE 27TH DAY OF JULY, 2006

O R D E R

The petitioners are accused 1 to 4 in crime No.245/2006 of Pathanapuram Police Station. The offence alleged against them are under Sections 326 and 324 IPC read with Section 34 IPC. It is alleged that on 11.6.2006 the defacto complainant and others trespassed into the house of the second petitioner, who is aged about sixty one, and caused damages to the properties therein, by breaking the T.V, window panes etc., thus caused a loss of Rs.10,000/-. As the petitioners were fearful of the threat to their lives, the third petitioner poured acid on the face of the defacto complainant. The prosecution submits that portions of his both eyes were damaged and the vision is blured. That led to the prosecution to incorporate Section 326 IPC.

2. The counsel for the petitioners, on the other hand, submits that the three persons, who trespassed into

the house of the second accused, are known gundas of the area and pouring of the acid took place instantly and spontaneously, to escape from the onslaught of the defacto complainant and others. It is also brought out that crime No.246/2006 is registered against the defacto complainant and two others of the very same police station, under sections 452, 447 and 427 IPC read with Section 34 IPC. The first petitioner is aged about sixty five and the petitioners 3 and 4 are aged fifty eight and fifty six, respectively.

3. In the above facts situation, I direct the petitioners to surrender before the Judicial Magistrate of First Class-III, Punalur, on 3.8.2006 at 11.00 a.m. If application(s) for bail is/are is filed by the petitioners, the same shall be allowed, on imposing such conditions, as are deemed necessary, by the learned Magistrate.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs